

Appl. No. : **10/629,210**
Filed : **July 28, 2003**

REMARKS

The Office Action mailed on June 1, 2007 has been carefully considered. Accordingly, the changes presented herewith, taken with following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-3, 5, 7-8, 12-14, 33, 36-37, 41-42, and 45-51 are pending in the current application. Applicants respectfully request the Examiner enter new claims 52-55 be entered for consideration. No new matter has been introduced by the addition of claims 52-55. Claims 49-51 have been cancelled without prejudice.

The specification has been amended to further clarify features of clearly shown in FIG. 6 of the application as originally filed. No new matter has been introduced by these amendments to the specification. The amended text is at least supported by U.S. Patent Number 5,589,982, which was incorporated by reference in the current application on page 10, lines 16-18 of the specification as originally filed.

Claims 1-3, 7, 8, 13, 41-42, 45, and 47 stand rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,231,603 ("Lang et al.) or in the alternative under 35 U.S.C. 103(c) as obvious over Lang et al. alone. Claims 33-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of USPN 5,117,306 ("Cohen"). Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of USPN 5,366,502 ("Patel"). Claims 4-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of USPN 6,197,058 ("Portney") or US Patent Application Number 2003/0097176 ("Nordan et al."). Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of US Patent Application Number 2002/0042653 ("Copeland"). Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of US Patent Application Number 2004/0230300 ("Bandhauer et al.") or International Application Publication Number WO 03/000154 ("Miller"). Applicants traverse these rejections as discussed below.

Claim 7 stands objected to, the Examiner contending that "vaulted" as used appears to positively claim the structure in combination with the eye. The Examiner has suggested changing "vaulted" to "adapted to be vaulted". Applicants respectfully traverse the objections and refer the Examiner to FIG. 3 and page 9, lines 1-6 of Applicants' specification as originally filed, which clearly show that the term "vaulted" refers to the location of the supplemental lens 32 relative to the primary intraocular lens 30.

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Applicants wish to thank the Examiner for the telephonic interview held on March 19 with the undersigned. The merits of the claim 1 were discussed with respect to Lang et al. At least some of the substance of the interview is discussed in the response below.

Claims 2-3, 7-8, 13, 41-42, 45, and 47 Are Not Anticipated by Lang et al.

Claims 2-3, 7-8, 13, 41-42, 45, and 47 stand rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,231,603 ("Lang et al.) or in the alternative under 35 U.S.C. 103(c) as obvious over Lang et al. alone. Applicants traverse these rejections for the following reasons.

Lang et al. does not teach or suggest various elements of claim 45. For example, does not teach or suggest a diffractive optic that does not provide bifocal or multifocal vision correction. To the contrary, Lang teaches a multifocal lens body 112. Also, Lang et al. does not teach or suggest a supplemental intraocular lens having a power in the range of about -6 to +6 Diopters that modifies the vision correcting power of the primary intraocular lens. Rather, Lang et al. teaches a lens body having a baseline or far vision correction power.

For similar reasons, Lang does not teach all the elements of new independent claims 52 and 55. In addition, Lang et al. does not teach a primary intraocular lens and a supplemental intraocular lens being attached to one another, as recited in claim 52.

At least because Lang et al. does not teach or suggest all of the limitations of claim 45, Applicants request the Examiner allow claim 45. Claims 2-3, 7-8, 13, 41-42, and 47 depend from claim 45 and further define the invention of claim 45. Thus, claims 2-3, 7-8, 13, 41-42, and 47 are patentable over Lang et al. at least for the same reasons that claim 45 is patentable thereover, and are patentable in their own right as well.

Claims 4-6, 7-8, 11, 12, 14, 33-37, and 46 Are Patentable Over Lang et al., Cohen, Patel, Portney, Nordan, Miller, and Copeland.

Claims 4-6, 7-8, 11, 12, 14, 33-37, 46, and 48-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lang et al. in view of Cohen, Patel, Portney, Nordan, or Copeland. Applicants traverse these rejections. Claims 48-51 have been cancelled without prejudice.

Neither Cohen, Patel, Portney, Nordan, Miller, nor Copeland make up for any of the deficiencies of Lang et al. already discussed above with regards to independent claim 45. Thus, neither Cohen, Patel, Portney, Nordan, Miller, Copeland nor Lang et al. teach or suggest all the limitations of claim 45. Claims 4-6, 7-8, 11, 12, 14, 33-37, and 46 depend from claim 45 and further

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define the invention of claim 45. Thus, claims 4-6, 8, 11, 12, 14, 33-37 are patentable over Cohen, Patel, Portney, Nordan, Copeland and Lang et al. at least for the same reasons that claim 45 is patentable thereover, and are patentable in their own right as well. Accordingly, Applicants request that the Examiner allow claims 4-6, 8, 11, 12, 14, 33-37.

CONCLUSION

For the foregoing reasons, Applicants respectfully assert that the claims now pending are allowable over the prior art of record. Therefore, Applicants earnestly seek a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
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